

Service Date: December 4, 1989

FINAL ORDER NO. 5963

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of	)	DOCKET NO. T-9423
WILLISTON-SCOBIEY TRANSFER, INC.,	)	
Plentywood, Montana for a Montana	)	
Intrastate Certificate of Public	)	ORDER NO. 5963
Convenience and Necessity.	)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On June 21, 1989, Williston-Scobey Transfer, Inc., Box 455, Plentywood, Montana 59254, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of cement and fertilizer in bulk, Class C, from all points and places in Montana to points in the following counties: Sheridan, Daniels, Valley, Roosevelt, Richland, McCone, Dawson, Custer, Fallon, Prairie and Phillips.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public July 7, 1989. That notice said in pertinent part:

If no written protests are received by July 27, 1989, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Suhr Transport, Great Falls, Montana; Dick Irvin, Inc., Shelby, Montana; Dixon Bros. Inc., Newcastle, Wyoming; and Farmers Union Central Exchange, Inc. dba Cenex, St. Paul, Minnesota.

4. The docket was noticed for public hearing on September 15, 1989, with hearing scheduled for October 12, 1989, in Plentywood, Montana.

5. On October 4, 1989, Applicant restrictively amended his application as follows: a) The proposed transportation of cement is withdrawn from the application; b) Transportation of anhydrous ammonia is prohibited; and c) Transportation is limited to the account of Cenex/Land O Lakes, Glendive, Montana.

6. Suhr Transport withdrew their protest to this application on October 10, 1989.

7. The October 12th hearing in the docket was continued based on continued negotiations among the parties to this case.

On October 31, 1989, Applicant further restricted the application to the transportation of fertilizer which must originate at the Cenex/Land O'Lakes facility in Glasgow,

Montana.

8. All protests were subsequently withdrawn from the application.

9. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

#### CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

#### ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 27th day of November, 1989, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9423, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of WILLISTON-SCOBEY TRANSFER, INC., Plentywood, Montana for a

Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C - Fertilizer in bulk from the Cenex/Land O'Lakes facility in Glasgow, Montana to all points and places in the following counties: Sheridan, Daniels, Valley, Roosevelt, Richland, McCone, Dawson, Custer, Fallon, Prairie and Phillips.

Limitations: 1) Transportation of anhydrous ammonia is prohibited; 2) Transportation is limited to the account of Cenex/Land O'Lakes, Glendive, Montana. 3) Transportation must originate at the Cenex/Land O'Lakes facility in Glasgow, Montana.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 27th day of November, 1989, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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CLYDE JARVIS, Chairman

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HOWARD L. ELLIS, Vice Chairman

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JOHN B. DRISCOLL, Commissioner

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DANNY OBERG, Commissioner

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WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck  
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.